

REMARKS

In the Office Action, the Examiner rejected the claims under 35 USC §102. The claims have been amended to further clarify the subject matter regarded as the invention. The claim rejections are fully traversed below. In addition, new claims 25-52 have been added to recite additional features. Claims 1-52 are now pending.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §102

In the Office Action, the Examiner rejected claims 1-22 under 35 USC §102 as being anticipated by Preisler et al, U.S. Patent No. 5,675,803, ('Preisler' hereinafter). This rejection is fully traversed below.

In order for a claim to be anticipated under 35 USC §102, the cited reference must teach every aspect of the claimed invention. Applicant respectfully submits that Preisler neither discloses nor suggests each of the claimed features, as will be set forth in further detail below.

In the Advisory Action, the Examiner disagrees with Applicant's argument in the previous response dated 12/01/2003 on page 8, fourth paragraph, which states that "Preisler neither discloses nor suggests such communication between two system services, as claimed." The Examiner asserts that "FIG. 3 of Preisler, item#, 20, 50 and 70 shows communication between one or more systems regarding error check and recovery as interpreted by the Examiner." Applicant respectfully traverses this assertion. Col. 8, line 45 – col. 9, line 29 indicate that item 20 is a patch site, item 50 is a patch area, and item 70 includes checking codes. Specifically, col. 8, lines 53-57 indicate that the "run-time checking (RTC) module scans each and every individual instruction that needs to be patched...and the original instructions are then replaced by unconditional branch instructions to the patch area." Col. 9, lines 1-5 indicate that "there is a custom section of the patch area 50 that is assigned to the whole load object for each patch site 20 and each patch site 20 is replaced with a branch to its own custom section in the patch area 50." In other words, a module (RTC

module) external to the patch site 20 or patch area 50 performs the “run-time checking.” In other words, a request for a “replacement” is not sent by a patch site 20 to another patch site 20. Moreover, a patch site 20 does not return an identifier of a section in the patch area 50 in response to such a request for a “replacement.” Stated another way, a patch site 20 does not send a request for its own replacement. Accordingly, Preisler fails to disclose or suggest “sending a request for a primitive function from one of the set of software system services to another one of the set of software system services, the primitive function replicating the one of the set of software system services in a manner such that implementation of the primitive function reduces or eliminates reliance on one or more system functions capable of becoming non-functional in the event of a system error” or “receiving an identifier associated with the requested primitive function ~~from~~ at the one of the set of software system services from another one of the set of software system services, thereby enabling the one of the set of software system services to call the primitive function via the identifier associated with the requested primitive function.”

The Examiner further asserts that a “request from a first system service at a second system service for a primitive function replicating the first system service is “equivalent to Prior arts, FIG. 1, item # 301, and associated text Col. 5:20-45, with reference to request see bi-directional flow between 301 and 303. For replicating as rehashed in several comments by Applicant see “in-memory copy” in Col. 5:20-25. Col. 5, lines 20-25 state that the “in-memory copy of the program 302 changes to a patched program, called “instrumented program” herein. The patches are applied only to this in-memory copy 308 of the program 302 and not to the original program 302 stored on disk 301.” Patches are known in the art to include a branch or other instruction to a patch area. The instructions in the patch area are merely executed upon execution of the branch instruction. A request is not sent by the original program for its replacement (e.g., patched program). In no manner does Preisler disclose or suggest sending a request from the original program for a primitive function replicating the original program. Moreover, Preisler neither discloses nor suggests sending a request from a section of the original program for a primitive function replicating that section. Thus, Preisler neither discloses nor suggests sending a request from a system service for its own replacement. In fact, as described above, a separate, external RTC module is responsible for “instrumenting” the in-memory copy of the program. Accordingly, Applicant respectfully asserts that the claims are patentable over the cited art.

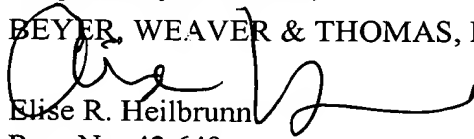
As shown above and as set forth in Applicant's previous response dated December 1, 2003, Preisler fails to teach each aspect of the claimed invention. Because Preisler fails to teach communication between two system services (e.g., layers in a stack of system services), sending a request from one system service to another system service for a primitive function (e.g., replicating the requesting or receiving system service), or receiving an identifier of a primitive function at one system service from another system service in response to such a request as set forth above, Preisler fails to teach all of the claim limitations as alleged by the Examiner. The dependent claims depend from one of the independent claims and are therefore patentable for at least these reasons. The additional limitations in the independent or dependent claims are not further discussed as the above limitations are sufficient to distinguish the claimed invention from the cited reference. Accordingly, Applicants contend that the rejection is unsupported by the art and should be withdrawn. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims under 35 USC §102.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. SUN1P376).

Respectfully submitted,

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